

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/815,878 Confirmation No. 7381  
Applicants : Karapet Ablabutyan et al.  
Filed: March 22, 2001  
TC/A.U. : 3652  
Examiner : Charles A. Fox  
Docket No. : 23451-035 (formerly 17793.00600)  
Customer No. : 36614  
For : LIFT DEVICE WITH VARIABLE SPEED ACTUATION

Mail Stop: Petition  
Commissioner for Patents  
Washington, D.C. 20231

PETITION TO REVIVE AN APPLICATION FOR PATENT  
AND STATEMENT UNDER 37 C.F.R. 1.137(b)

Dear Commissioner:

Applicant is hereby petitioning to revive the above identified application for patent under 37 C.F.R. 1.137(b).

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on October 3, 2005  
Date of Deposit  
Sheena Hicks  
Name of Person Mailing Correspondence  
October 3, 2005  
Date  
Sheena Hicks  
Signature

Application No. 09/815,878

Petition dated October 3, 2005

Petition to Revive to Office Action mailed February 9, 2005

**Statement Under 37 C.F.R. 1.137(b)**

Applicant hereby states that the failure to respond the Office Action mailed on February 9, 2005 within the Statutory Period was unintentional.

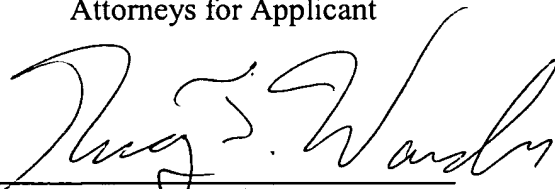
The attorney who initially handled the prosecution of the patent application at Manatt, Phelps & Phillips left the firm during the time period when the office action was sent. Due to a docketing error, the prosecution of the application was not transferred to another attorney.

Applicant hereby petition under 37 C.F.R. 1.137(b) that the above-identified application be revived as the failure to timely respond was unintentional. A response to the Office Action mailed February 9, 2005 is enclosed herewith.

Pursuant to 37 C.F.R. §1.25(b), the Commissioner is hereby authorized to charge any additional fees to our Deposit Account **50-1847**, or to credit any overpayment to the same for all matters during the prosecution of this application. This authorization should be treated as a general authorization to charge fees set forth in 37 C.F.R. 1.16 or 1.17 to Deposit Account **50-1847** for the entire pendency of this application. A duplicate copy of this Response is enclosed for deposit charging purposes only.

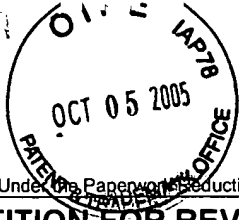
Respectfully submitted,

MANATT, PHELPS & PHILLIPS  
Attorneys for Applicant

  
By: Greg T. Warder  
Registration Number 50,208

Date: October 3, 2005

Manatt, Phelps & Phillips, LLP  
1001 Page Mill Road, Building 2  
Palo Alto, CA 94304  
Telephone: (650) 812-1300  
Facsimile: (650) 213-0260



DAC  
Ifw

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
23451-035

First named inventor: Karapet Ablabutyan

Application No.: 09/815,878

Art Unit: 3652

Filed: March 22, -2001

Examiner: Charles A. Fox

Title: LIFT DEVICE WITH VARIABLE SPEED ACTUATION

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Reply to Office Action mailed February 9, 2005 (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

10/06/2005 TBESHAH1 00000016 501847 09615878

01 FC:1453

1500.00 DA

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ as been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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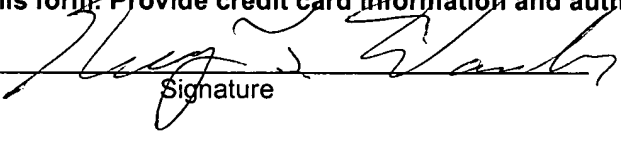
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### 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

 _____ Signature	October 3, 2005 _____ Date
Greg T. Warder _____ Typed or printed name	50,208 _____ Registration Number, if applicable
Manatt, Phelps & Phillips, LLP 1001 Page Mill Road, Building 2 _____ Address	(650) 812-1300 _____ Telephone Number
Palo Alto, CA 94304 _____ Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

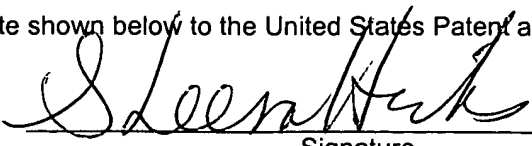
### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

October 3, 2005  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

Sheena Hicks  
\_\_\_\_\_  
Typed or printed name of person signing certificate



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on October 3, 2005  
Date of Deposit

Sheena Hicks

Name of Person Mailing Correspondence

Sheena Hicks  
Signature

October 3 2005  
Date

Kindly acknowledge receipt of the documents listed below by affixing the Patent and Trademark Office date-stamp hereon, and returning the stamped postcard to the address listed on the reverse side.

Client: MAXON LIFT CORPORATION  
Applicants: KARAPET ABLABUTYAN ET AL.  
Application No.: 09/815,878  
For: LIFT DEVICE WITH VARIABLE SPEED ACTUATION  
Filed: March 22, 2001  
TC/A.U.: 3652  
Confirmation No.: 7381  
Attorney: Greg T. Warder, Manatt, Phelps & Phillips, LLP  
Customer No.: 36614  
Docket No.: 23451-035  
Date of Deposit: October 3, 2005  
Enclosure(s):

- Return Receipt Postcard
- Certificate of First Class Mailing (37 C.F.R. §1.8) (1 pg.)
- Transmittal Form [PTO/SB/21] (1 pg.) (Original & Copy)
- Amendment and Response (12 pgs.)
- Petition to Revive an Application for Patent and Statement under 37 C.F.R. 1.137(b) (2 pgs.)
- Petition for Revival Form [PTO/SB/64] (2 pgs.) (Original & Copy)
- Authorization to charge Deposit Account 50-1847

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/815,878
Filing Date	03-22-2001
First Named Inventor	Karapet Ablabutyan
Art Unit	3652
Examiner Name	Charles A. Fox
Attorney Docket Number	23451-035

**ENCLOSURES (Check all that apply)**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>Return Receipt Postcard;<br>Certificate of Mailing (1st Class);<br>Petition to Revive an Application<br>for Patent and Statement under<br>37 C.F.R. 1.137(b);<br>Authorization to charge Deposit<br>Account 50-1847 |
|---|---|---|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Manatt Phelps & Phillips, LLP		
Signature			
Printed name	Greg T. Warder		
Date	October 3, 2005	Reg. No.	50,208

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Signature			
Typed or printed name	Sheena Hicks	Date	October 3, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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